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## INCREASE MILES OF BAIT- RESTRICTED TROUT STREAMS

House Bill 5556 as enrolled  
Public Act 434 of 2002  
Second Analysis (7-18-02)

Sponsor: Rep. Jason Allen  
Committee: Conservation and Outdoor  
Recreation

### ***THE APPARENT PROBLEM:***

Literature distributed by the Department of Natural Resources (DNR) proclaims that Michigan is blessed with an abundance of cold, quality trout waters offering more than 38,000 miles of classified trout streams, 868 miles of which are considered top-quality, or Blue Ribbon Trout Streams (BRTS). The literature describes the required criteria for a BRTS: it must be one of the state's best trout streams; be able to support excellent stocks of wild resident trout; have the physical characteristics that permit fly casting, but be shallow enough for wading; produce diverse insect life and good fly hatches, have earned a reputation for providing an excellent or quality trout fishing experience; and have excellent water quality. The DNR describes its management of these streams as being directed toward "accommodating the needs of trout anglers, maintaining strong stocks of wild resident trout, maintaining and enhancing trout habitat and the natural stream environment, providing adequate public access and public frontage, and preparing appropriate informational materials. . . ." (*Michigan's Blue Ribbon Trout Streams*, published by the DNR's Fisheries Division). (See *Background Information* for additional details).

A few of Michigan's trout streams -- those in which trout or salmon are the predominant population -- have been designated by the DNR as streams in which only lures or baits that have been approved by the department may be used in fishing, and in which the department has prescribed the size and number of fish that may be taken. Part 487 of the Natural Resources and Environmental Protection Act (NREPA) specifies that up to 100 miles of the state's trout streams may be designated in this manner. Such streams are selected based on evidence that the temperature and habitat of the stream are capable of supporting trout, and that trout are currently present in the stream year-round. In addition, water quality standards and enforcement of these standards are higher for these streams than those established for

other streams. Of the 100 miles of designated trout streams, a little less than 17 miles, comprised of segments of the Au Sable, Pere Marquette, and Manistee rivers, are catch and release only waters to protect certain species. According to the DNR, enough evidence exists to increase the miles of streams that can be designated as gear-restricted or quality trout waters.

At the same time, some people believe that the designation of gear-restricted areas in the state's waterways has not been based solely on biological or conservation criteria. Instead, they suggest, the state has set aside certain prime waters in order to provide challenging fishing opportunities for anglers and has issued regulations designed to make it harder to catch fish, especially in fly-fishing only areas. Such measures make catching fish especially difficult for young children, and some people who regard fishing as a wholesome family activity have expressed concern that increasing the number of miles of restricted trout streams effectively limits fishing opportunities for those children. Legislation has been introduced to increase the number of miles of restricted trout streams and to achieve a compromise allowing children under 12 to take at least one fish, even in catch and release only waters.

### ***THE CONTENT OF THE BILL:***

Part 487 (MCL 324.48701) of the Natural Resources and Environmental Protection Act (NREPA), which regulates sport fishing, defines a "trout stream" to mean any stream that contains a significant population of any species of trout or salmon, as determined by the Department of Natural Resources (DNR). Part 487 also specifies that up to 100 miles of trout streams may be designated by the DNR as streams in which only lures or baits that have been approved by the department may be used in fishing,

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and in which the department prescribes the size and number of fish that may be taken.

House Bill 5556 would amend the act to allow the department to designate up to 212 miles of such streams. In addition, the bill would require that any trout stream in a county that included a city with a population of 750,000 or more be designated as described in this section of the law. The bill would also state that the department could not restrict children under 12 years old from taking at least one fish, except for sturgeon, in any trout stream. The Department of Natural Resources would have to issue an order adopting criteria for determining which trout streams should be included under these provisions. The department would first have to submit the order to the Natural Resources Commission (NRC) for public review, and the NRC would have to receive public comment on the proposed order. The department would have to consider any guidance provided by the NRC and could make changes to the proposed order based on that guidance.

The bill would also expand the act's definition of "game fish" to include splake, coho salmon, chinook (king) salmon, and pink salmon.

Finally, the bill would revise the act's definition of "inland waters of this state" to include, among other bodies of water, the Detroit River extending from Fort Gratiot light in Lake Huron *to a line extending due east and west of the most southerly point of Celeron Island in the Detroit River*. The definition currently includes the Detroit River extending from Fort Gratiot light in Lake Huron *to a point in the lower Detroit River where the center line of Oak Street (Wyandotte, Wayne county) extended due east, would intersect the international boundary line*.

### **BACKGROUND INFORMATION:**

As passed by the House, the bill was tie-barred to House Bill 5431. Supporters of House Bill 5556 regard the elimination of certain restrictions on children under 12 as a compromise intended to incorporate the most important elements of House Bill 5431. For more on that bill, see the House Legislative Analysis Section's 2-27-02 analysis.

According to Trout Unlimited, fish of the family *Salmonidae* include North American fish known as trout, salmon, char, steelhead, grayling, or whitefish. This family of fish is known to inhabit cold water ecosystems and to have a low tolerance for habitat degradation.

Trout and salmon species are often viewed as indicators of overall environmental health. Where trout or salmon are present, that generally indicates a healthy ecosystem and, in turn, the presence of other healthy populations of wildlife. Where trout and salmon have disappeared, that generally indicates a damaged ecosystem, and other wildlife that once shared it are likely suffering too. In this way, trout and salmon set the standard for the overall health of an ecosystem—a standard that benefits all living things that share it, including humans.

Additionally, trout and salmon represent a critical cog in the wheel of any food chain in which they live. Consider, for example, the life cycle of a chinook salmon. Born in freshwater streams, usually the tributary of a large river like the Snake or Columbia in the Pacific Northwest, they emerge from the gravel as tiny fingerlings. They are born in huge numbers and immediately provide food for predators, such as other fish and aquatic birds.

Within about a year, the young salmon begin their migration seaward, feeding aquatic predators and birds for a journey that can be hundreds of miles in length through a wide array of habitats. Those that reach the ocean remain there and grow to adulthood, supporting oceanic food chains—and that of humans—during the length of their journey, which over the course of a few years can take them all the way to the Gulf of Alaska and back.

The chinook then return to fresh water, where again they feed larger predators, including humans. The adult chinook that successfully reach their natal streams to spawn die soon thereafter. Even after death, they are a food source for bald eagles, deer, bear, and other wildlife and their carcasses contribute rich nutrients to the water and the nearby trees and plants. Indeed, without the salmon, many ecosystems and the wildlife that live there would suffer; some would not exist at all. (Information from "Trout 101" published by Trout Unlimited, [www.tu.org](http://www.tu.org).)

### **FISCAL IMPLICATIONS:**

According to the House Fiscal Agency the bill would have no fiscal impact on the state. (7-17-02)

### **ARGUMENTS:**

#### **For:**

Currently, 100 miles of Michigan's trout streams are designated as gear-restricted, or quality trout streams. This means that the Department of Natural Resources

(DNR) has designated them as having special gear and catch-restrictions. For instance, anglers may only fish with artificial bait, and some streams have areas where catch and release only rules apply. The DNR has worked with constituent organizations, including several conservation groups, to select additional streams to add to the list of trout streams where special management standards apply. Many maintain that having more of Michigan's trout streams "managed" in this way by the department will promote more tourism opportunities in surrounding areas, and, consequently be beneficial for the state as a whole.

gear restricted, with a catch and release policy for trout.

While increasing the number of miles of restricted trout streams from 100 to 212, the bill would allow children under 12 to keep at least one fish, even in catch and release only waters. Junior anglers would still be subject to the act's restrictions on the types of lure and bait that may be used, and DNR could still prohibit children under 12 from keeping sturgeon. (The state already has developed a comprehensive rehabilitation policy for sturgeon, and it would be a mistake to allow children to contribute to the elimination of the species from Michigan's waters.) By allowing children under 12 to keep a "trophy fish", the bill would address concerns that the restrictions promote elite fishing at the expense of a family fishing experience. The gear-restrictions and the need to wade or float make it extremely difficult for children of that age to catch fish anyway. And although letting the successful few take a fish home wouldn't have a dramatic effect on most fish species, it would boost children's self-esteem and would give them an incentive to persevere as well as a reward for their accomplishments.

***For:***

The bill would help conservation groups, which have been working to restore local streams or rivers and want to protect their waters. One such group – the Johnson Creek Protection Group – has worked on cleaning up Johnson Creek in Wayne County. The creek is the only cold water stream that feeds the Rouge River watershed, is home to several endangered species, has an indigenous brown trout population, and is the only stream of this type that is within a 30-minute drive of an urban area. In testimony before the House committee, members of the group said that parts of the creek are up for sale, and the group worries that, when sold, the stream will be ruined by development unless buffer zones are required on both banks and an erosion policy is required. The group also wants to have the creek included among those streams that are designated as

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■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.